

REMARKS:

In response to the objection to claim 18, claim 18 is hereby amended in the manner proposed in the Office Action.

Claims 14-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,722,318 (“Rico”) in view of U.S. Patent 4,925,691 (“Cimperman”). In response to the rejection, Applicants respectfully contend that claims 14-21, as hereby amended, are patentable over the cited references for the following reasons.

Rico fails to teach or suggest a method including step (d) of claim 14, which is a step of:

translating a pitted fruit (along an at least substantially circular path) past a set of spring-biased, pivotably mounted slicing knives in such a manner that the slicing knives engage with and slice the pitted fruit, wherein the slicing knives are spring-biased in a first orientation and have freedom to pivot away from the first orientation and then spring back into the first orientation.

The recited slicing knives in their first orientation can engage and slice a pitted fruit, typically without pivoting significantly away from the first orientation. The recited slicing knives can pivot away from the first orientation (e.g., while engaged with a pitted fruit) in response to force exerted on the slicing knives by hard debris (e.g., a pit or pit fragment that clings to a pitted fruit), and can then spring back into the first orientation (e.g., to be ready for slicing the next pitted fruit that is translated into engagement with them).

The Examiner does not contend that Rico teaches or suggests the specific limitations of step (d) of claim 14, but relies on Rico’s teaching (at col. 5, lines 42-49) that Rico’s slicing knives 38 can be pivoted from an active position to an inactive position to reject claim 14. However, this teaching of Rico (with reference to Rico’s Fig. 21) is merely a teaching of an apparatus in which slicing knives 38 are either fixedly mounted in an active position in which they are capable of slicing a pitted olive, or in an inactive position in which they do not

engage any pitted olive and do not function to slice any olive. It is clear from Rico's Fig. 21 that knives 38 are moved from the active position to the inactive position by loosening bolts that hold knife-support arm 43 (relative to a rod that defines "swivel axis" 44) in an "active" horizontal orientation (shown with solid lines in Fig. 21), and rotating the arm 43 to a lowered ("inactive") position shown in phantom view in Fig. 21. In order to return Rico's slicing knives to their active position, it would be necessary for a user to manually lift the slicing knife assembly (including knives 38 and arm 43) back into the active position and then retighten the bolts to fix the slicing knife assembly in said active position. Applicants respectfully contend that Rico's teaching that slicing knives 38 can be moved to an inactive position (in which they do not function to slice fruit) from an active position (in which they are fixedly mounted) in no way amounts to a teaching or suggestion to employ a set of spring-biased (or spring-loaded), pivotably mounted slicing knives to engage with and slice a pitted fruit, where the slicing knives are spring-biased in a first orientation and have freedom to pivot away from the first orientation and then spring back into the first orientation (as recited in claim 14). Rather, Rico's teaching to use slicing knives that are fixedly mounted when "active" (i.e., when positioned so as to be capable of slicing fruit) amounts to a teaching away from the invention of claim 14, which recites the slicing of pitted fruit using slicing knives that are spring-biased in a first orientation with freedom to pivot away from and then spring back into the first orientation.

Cimperman also fails to teach or suggest the noted limitation of claim 14. The cited teaching in Cimperman to use water jets instead of slicing knives does not amount to a suggestion to modify Rico's teaching to reach the claimed invention. Thus, Applicants respectfully contend that claim 14 and all claims depending directly or indirectly therefrom are patentable over Rico and Cimperman, whether read individually or in combination.

Rico also fails to teach or suggest a method including step (d) of claim 18, which requires translation of a pitted fruit in a slicing pocket (defined by a chuck plate assembly) into engagement with a set of spring-loaded slicing knives and retracting the pitting knife out of engagement with the pitted fruit, thereby causing the slicing knives to sever the pitted fruit into slices.

The Examiner does not contend that Rico teaches or suggests use of spring-loaded slicing knives as recited in step (d) of claim 18. For the reasons set forth above with reference to claim 14, Applicants contend that no such teaching or suggestion is determinable from Rico. For example, Applicants respectfully contend that Rico's teaching to move Rico's slicing knives 38 to an inactive position (in which they do not function to slice fruit) from an active position in which they are fixedly mounted (and capable of slicing fruit) in no way amounts to a teaching or suggestion to employ a set of spring-loaded (or spring-biased) slicing knives to slice a pitted fruit as claimed.

Cimperman also fails to teach or suggest use of spring-loaded slicing knives as recited in step (d) of claim 18. The cited teaching in Cimperman to use water jets instead of slicing knives does not amount to a suggestion to modify Rico's teaching to reach the claimed invention. Thus, Applicants respectfully contend that claim 18 and all claims depending directly or indirectly therefrom are patentable over Rico and Cimperman, whether read individually or in combination.

In conclusion, Applicants respectfully contend for the reasons set forth above that claims 14 and 18 (and all claims depending directly or indirectly therefrom) are patentable over Rico, Cimperman and the other art of record.

Respectfully submitted,

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